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Attorney for Defendant  
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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
DANIEL STEWART  
LUKE BURROUGHS,  
  
Defendants.

CASE NO. 2:20-CR-0194 DJC

STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
FINDINGS AND ORDER

DATE: January 18, 2024

TIME: 9:00 a.m.

COURT: Hon. Daniel J. Calabretta

**STIPULATION**

1. By previous order, this matter was set for change of plea hearing on January 18, 2024.

2. By this stipulation, defendants now move to continue the change of plea hearing until January 25, 2024, at 9:00 a.m., and to exclude time between January 18, 2024, and January 25, 2024, under Local Code T4.

3. The parties agree and stipulate, and request that the Court find the following:

a) The government has produced discovery associated with this case that includes 12,793 Bates numbered documents. This includes bank records; memoranda of interviews, audio recordings, and video recordings. The government has also provided forensic images of electronic devices to the defense.

b) The defendants have each accepted a plea offer and forwarded to the government signed plea agreements.

1 c) Counsel for defendant Dan Stewart, David Fischer, is currently in trial and anticipates  
2 that he will be unavailable to appear on the currently set date for entry of defendant Stewart's change of  
3 plea. Attorney Fischer believes that failure to grant a continuance would unreasonably deny defendant  
4 Stewart continuity of counsel, given counsel's other scheduled case commitment, taking into account the  
5 exercise of due diligence. *See* 18 U.S.C. §3161(h)(7)(B)(iv).

6 d) The defendants wish to coordinate their court appearances so that defendant Luke  
7 Burroughs can assist defendant Stewart who utilizes the aid of a mobility scooter. Therefore, both  
8 defendants seek to continue their respective change of plea hearing to January 25, 2024.

9 e) The government does not object to the continuance.

10 f) Based on the above-stated findings, the ends of justice served by continuing the case as  
11 requested outweigh the interest of the public and the defendant in a trial within the original date  
12 prescribed by the Speedy Trial Act.

13 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq.,  
14 within which trial must commence, the time period of January 18, 2024 to January 25, 2024, inclusive,  
15 is deemed excludable pursuant to 18 U.S.C. §3161(h)(7)(B)(iv) [Local Code T4] because it results from  
16 a continuance granted by the Court at defendants' request on the basis of the Court's finding that the  
17 ends of justice served by taking such action outweigh the best interest of the public and the defendant in  
18 a speedy trial.

19 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the  
20 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
21 must commence.

22  
23 IT IS SO STIPULATED.  
24  
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26  
27  
28

1 Dated: January 16, 2024

PHILLIP A. TALBERT  
UNITED STATES ATTORNEY

2  
3 /s/ JUSTIN LEE

JUSTIN LEE

Assistant United States Attorney

5 Dated: January 16, 2024

/s/ DAVID D. FISCHER

DAVID D. FISCHER

Counsel for Defendant

Daniel Stewart

8  
9 Dated: January 16, 2024

/s/ CANDICE L. FIELDS

CANDICE L. FIELDS

Counsel for Defendant

Luke Burroughs

12  
13  
14 **FINDINGS AND ORDER**

15 IT IS SO FOUND AND ORDERED this 17<sup>th</sup> day of January, 2024.

16  
17 /s/ Daniel J. Calabretta

THE HONORABLE DANIEL J. CALABRETTA

UNITED STATES DISTRICT JUDGE